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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/721,543

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EXAMINER

ROBINSON, GRETA LEE

ART UNIT

PAPER NUMBER

2168

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/721,543	<b>Applicant(s)</b> HASEGAWA ET AL.	
	<b>Examiner</b> Greta L. Robinson	<b>Art Unit</b> 2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 15, 2007 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1, 3-7 and 9-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kihl et al. US Patent 6,222,536 B1 in view of Lomet et al. US Patent 6,182,086 B1.

Regarding claim 1, **Kihl et al.** teaches a program product that helps service processors receive instructions from an operator [note: relay server system for use in an on-line banking system col. 1 line 55 through col. 2 line 10], the program product causing a computer system to perform a process comprising the steps of:

(a) upon issuance of an inquiry from a service process to the operator, storing the inquiry to the operator in an inquiry buffer [note: in the inquiry message generating process, the inquiry message generation block 41 initializes an inquiry buffer, e.g., the temporal storage block 43 col. 6 lines 35-52; Figure 4 (43) TEMPORAL STORAGE BLOCK (i.e. inquiry buffer)];

(b) in response to a first delivery request from a first client, retrieving the inquiry pending in the inquiry buffer and sending the retrieved inquiry to the first client over the network [note: abstract “request processing unit for analyzing input request message to generate a corresponding handling process based on the analyzed request type”; REQUEST PROCESSING UNIT (22) Figure 2; also see col. 4 lines 28-33];

(c) upon receipt of a reply from the first client, forwarding the received reply to the service process, as well as storing the received reply and corresponding inquiry as a log record in a log memory [note: col. 2 lines 36-43; col. 7 lines 4-18 response message analyzer 47 analyzes the response message name ... field data designated as save on the

process control information is stored in temporal storage block 43, and then the extracted response data is relayed to the response format conversion block].

Although Kihl et al teaches the invention substantially as cited above they do not explicitly teach retrieving and sending log records. Lomet et al. teaches during request/reply interactions capturing or recording the information in a log buffer and committing the reply record to a stable log before the reply is sent back to the client [note: abstract; Figures 2-4 and 7]. Lomet also provides for the limitation: “(d) in response to a second delivery request from a second client on the network, consulting the log memory to retrieve log records of past replies that were made to inquires ....” [note: Lomet, teaches during request/reply interactions capturing or recording the information in a log buffer and committing the reply record to a stable log before the reply is sent back to the client abstract; Figures 3-4 and 7]. It would have been obvious to one of ordinary skill at the time of the invention to have combined Lomet et al. with Kihl et al. because logging records would provide a means of backup if the system were to crash.

4. Regarding claim 3, wherein: the second delivery request contains search conditions for the log memory; and said log record retrieving step (d) retrieves log records that match with the search condition specified by the second client [note: Kihl et al. column 3 lines 48-54 teaches storing subscriber access history information and output screen information (i.e. search) ].

5. Regarding claims 4, 5, 7, and 9-13:

(claims 4 and 5) “the second delivery request form the second client requests delivery of a message log record ... reply log record” [note: Kihl et al. teaches a request processing unit 22 for handling process and session management 23 col. 4 line25 through col. 5 line 7].

(claim 7) wherein the inquiries sent at said inquiry sending step (b) include a list of possible answers [note: Kihl et al., Figure 4 (47) and (46); col. 7 lines 27-32].

(Claims 9-11) notifying the service process of cancellation [note: Kihl et al. *Session End Time* Figure 6 step 209 Terminate Process and 208 Initialize Timer; also note Lomet, Figure 8 step 142 Notice of Application Termination].

(Claims 12 and 13) further comprising the step of dispatching a command upon receipt of the reply to the pending inquiry [note: Kihl et al. Figure 7 step (311); col. 6 lines 5-16].

6. The limitations of claims 14-17 parallel claim 1; therefore they are rejected under the same rationale.

7. The limitations of claim 6 parallel claim 3; therefore it is rejected under the same rationale.

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kihl et al. US Patent 6,222,536 B1 in view of Lomet et al. US Patent 6,182,086 B1 and Nakagawa et al. US Patent 5,835,911.

Although Kihl et al. and Lomet et al. teach the invention substantially as cited above, they do not explicitly disclose first and second clients are implemented on a single computer platform. However Nakagawa et al. teaches a network over which inquiries may be transmitted that may be configured or implemented various ways [see: Figure 5 step (S12); col. 23 lines 42-49; col. 25 lines 29-32 various settings can be easily and properly be defined for respective users; col. 58 lines 39-43 various ways of operation]. It would have been obvious to one of ordinary skill at the time of the invention to have combined Nakagawa et al. with the cited references because Nakagawa et al. further shows how inquiry interaction within the network may be customized for certain users within the network.

### ***Response to Arguments***

9. Applicant's arguments filed December 20, 2007 have been fully considered but they are not persuasive.

In the response Applicant argued the following:

Argument: Claims 3 and 6 were rejected under 35 USC 112 first paragraph and second paragraph as being incomplete for omitting essential elements, such omission

amounting to a gap between elements. Applicant states claims 3 and 6 have been amended; therefor withdrawal of the rejection is requested.

Response: Applicant's amendment overcomes the rejections cited under 35 USC 112.

Argument: Regarding the rejection cited under 35 US 103(a), Applicant argues the examiner does not present a specific reason as to why Lomet allegedly discloses the sending operation.

Response: In the client-server system, Lomet a client sends a request to a server and the server returns a reply to the requesting client [col. 5 lines 1-6]. The client creates log records for each request and reply message that it exchanges with the server inquiry and returns a reply to the requesting process [see: col. 11 lines 55-67]. Lomet provides for variations in processes which provide for consulting the log records for past replies [see: col. 5 lines 18-54]. Also, Kihl teaches a protocol processing and history information in which input request messages are analyzed and corresponding handling process may be defined based on input [see abstract]; therefore a specific protocol for how new messages are sent could be defined by the end-user.

Lomet does not teach that the log is *simply* used to capture client-side interactions; but rather that the log can be used to store operations as required by an imposed application. The log record is generated for each write operation on database objects and each reply message, see column 10 lines 35-50, column 11 lines 55-61, and Figure 4 log (96) inside memory (78). Lomet, teaches during request/reply interactions capturing or recording the information in a log buffer and committing the



reply record to a stable log before the reply is sent back to the client; this provision implies consulting a log record note abstract; Figures 3-4 and 7.

Argument: Applicant states claim 2 is patentable via independent claim 1, stating Nakagawa et al adds nothing of relevance to the combination of Kihl and Lomet.

Response: In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Nakagawa et al. teaches a network over which inquiries may be transmitted that may be configured or implemented various ways Nakagawa et al. was combined with the cited references because Nakagawa et al. further shows how inquiry interaction within the network may be customized for certain users within the network.

### **Conclusion**

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greta L. Robinson whose telephone number is (571)272-4118. The examiner can normally be reached on M-F 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim T. Vo can be reached on (571)272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Greta L. Robinson/  
Primary Examiner, Art Unit 2168

March 14, 2008